

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TYSON A. DITCH,)
Petitioner,)
v.) Civil Action No. 04-164 Erie
JAMES L. GRACE,)
Respondent.)

O R D E R

AND NOW, this 26th day of July, 2005, the Petitioner having filed a motion [29] for leave to appeal in forma pauperis,

AND this Court having previously denied Petitioner *in forma pauperis* status in this case,

AND it appearing that the motion should have been submitted to the Third Circuit Court of Appeals for consideration,

IT IS HEREBY ORDERED that the motion is DENIED.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record.